IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 81 OF 2007

Rajendra Shankar Hande .... Applicant

versus

Sadananad Dagadu Adsare & anr..... Respondent.

Mr. S.Y.Mohite for the petitioner
Mr. P.A.Pol APP for State.

CORAM; A.P. DESHPANDE, J.
DATED; 11TH DECEMBER, 2007

P.C.;

1. The present application is filed by the original complainant seeking special leave to file an appeal against the order of acquittal. The applicant/complainant instituted a complaint under section 138 of N.I. Act by contending that the complainant and the accused were having friendly relations and out of the said relations, hand loan was granted to the accused in instalment during the period ranging from 24-9-2001 to 14-1-2002 aggregating a total amount of Rs.9,30,550/-. It is the case of the complainant as revealed in the complaint that the amount of Rs.9,30,550 comprised of some payment by cheques and some in cash. Perusal of the deposition of the complainant reveals that he has admitted that the complainant and the accused were not friends but

had business relations in as much as the property of the accused was to be developed by the complainant. No break up of the amount of Rs.9,30,550/- has been given. Even in, the evidence of the complainant, he does not state as to in how many instalments the amount was paid and the date or month of payment nor the particulars of the amount alleged to have been paid by cheque has been stated with any material particulars. After appreciation of the evidence, the trial court has categorically found that the cheque issued by the accused in favour of the complainant was not for repayment of the legally enforceable debt or liability and thus rejected the complaint.

3. Perused the judgment and order. The same goes to take a possible view of the matter which does not call for any interference at the hands of this court. Hence application is rejected.

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